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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: FOTLAND et al.
SERIAL NO.: 09/299,388
FILED: April 27, 1999
FOR: METHOD AND APPARATUS FOR PRODUCING UNIFORM ...
GROUP: 1616
EXAMINER: FRANK I. CHOI DOCKET: MICRODOSE 99.01 CON

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT G - REQUEST FOR RECONSIDERATION
(Remarks Only)

Dear Sir:

This Amendment is being filed in response to the Advisory Action mailed May 6, 2003.

In the Advisory Action, the Examiner has withdrawn the 112 - 2nd paragraph rejection and the art rejection. However, the Examiner continues the 112 - 1st paragraph rejection of claims 1 and 48. Essentially, the Examiner takes the position that the original specification fails to provide specific support from which one of ordinary skill in the art would conclude that the language in claims 1 and 48 specifying that the particles have essentially a zero velocity and that the aerosol is essentially stationary are within the spirit and scope of the original specification. Applicant respectfully disagrees.

Claims 1 and 48 do not require that the particles have no velocity, but rather that the particles have essentially a zero velocity in the deposition zone. Indeed, claims 1 and 48 require that the particles are moved between the first region and the second region. Thus, they must have had a velocity at some point in time. Accordingly, the description page 17, lines 17-

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

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Docket: MICRODOSE 99.01 CON
Amendment G/Request for Reconsideration

20 and page 18, lines 29, etc. referred to by the Examiner in the Advisory Action is entirely consistent with the claim language. Thus, reconsideration of the 112-1st paragraph rejection as regards claims 1 and 48 is respectfully requested.

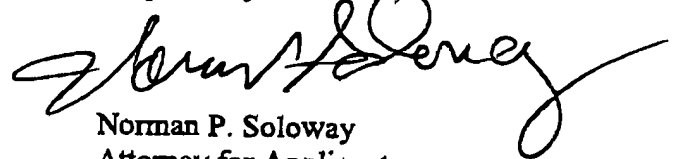
A supplement Declaration will be forwarded under separate letter.

This Amendment is being filed within two months of Applicants' filing of their Notice of Appeal. Accordingly, no extension is believed necessary. However, if an extension is required, the PTO is requested to consider this to be a Petition for Extension of Time and charge the costs to our deposit identified below.

Having dealt with the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicants
Reg. No. 24,315

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Frank I. Choi of the United States Patent and Trademark Office at facsimile number (703) 308-4556, on June 6, 2003, from Tucson, Arizona.

By 

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OFFICIAL

HAYES SOLOWAY

130 W. Cushing Street
Tucson, Arizona 85701
Telephone (520) 882-7623
Facsimile (520) 882-7643

Client-Matter Number
MICRODOSE 99.01 CON

June 6, 2003

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Examiner Frank I. Choi
U.S. PATENT AND TRADEMARK OFFICE

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MESSAGE:

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Received: **1. Amendment G/Request for Reconsideration (2 pages).**